

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>JAMES ARNOLD DUKE, II,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 25-00033-KD-B</b>
	)	
<b>PAUL BURCH, et al.,</b>	)	
	)	
<b>Respondents.</b>	)	

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1) and S.D. Ala. GenLR 72(a)(2)(R), (Doc. 13), is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that Petitioner's § 2254 habeas petition and this action is **DISMISSED with prejudice** as time-barred pursuant to 28 U.S.C. § 2244(d)(1). Petitioner is **DENIED** a certificate of appealability, and the Court **CERTIFIES** that any appeal by Petitioner of the dismissal of the present § 2254 habeas petition would be without merit and therefore not taken in good faith, thus denying Petitioner entitlement to appeal *in forma pauperis*.

**DONE and ORDERED** this **19th** day of **May 2025**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**